



7-9-04

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EV475140930US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Christopher J. RYAN Confirmation No.: 7229
Serial No.: 10/814,696 Art Unit: 3732
Filed: March 30, 2004 Examiner: To be assigned
For: ADJUSTABLE DEPTH DRILL BIT Attorney Docket No.: 8932-881-999

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of:
 - ☒ Each foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
 - 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ Before the mailing of the first Office action on the merits;

- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
☐ enclosed
☐ to be charged to Jones Day Deposit Account No. 50-3013.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

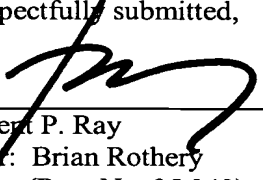
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: July 7, 2004


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LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY DOCKET NO.

8932-881-999

APPLICATION NO

10/814,696

APPLICANT

Christopher J. RYAN

FILING DATE

March 30, 2004

GROUP

3732

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	6,306,142 B1	10/2001	Johanson et al.	606	79	
	A02	6,287,313 B1	9/2001	Sasso	606	96	
	A03	6,283,966 B1	9/2001	Houfburg	606	61	
	A04	6,235,035 B1	5/2001	Boukhris	606	80	
	A05	6,120,506	9/2000	Kohrs et al.	606	80	
	A06	6,110,178	8/2000	Zech et al.	606	96	
	A07	6,017,348	1/2000	Hart et al.	606	79	
	A08	6,015,411	1/2000	Ohkoshi et al.	606	80	
	A09	5,941,706	8/1999	Ura	433	165	
	A10	5,895,389	4/1999	Schenk et al.	606	96	
	A11	5,890,897	4/1999	Kruger et al.	433	75	
	A12	5,810,828	9/1998	Lightman et al.	606	80	
	A13	5,810,826	9/1998	Åkerfeldt et al.	606	80	
	A14	5,795,110	8/1998	Wirth, Jr. et al.	408	110	
	A15	5,785,522	7/1998	Bergström et al.	433	72	
	A16	5,782,835	7/1998	Hart et al.	606	79	
	A17	5,741,267	4/1998	Jorneus et al.	606	102	
	A18	5,634,927	6/1997	Houston et al.	606	96	
	A19	5,591,207	1/1997	Coleman	606	232	
	A20	5,520,692	5/1996	Ferrante	606	80	
	A21	5,423,824	6/1995	Akerfeldt et al.	606	80	
	A22	5,409,490	4/25/1995	Ethridge			
	A23	5,382,250	1/1995	Kraus	606	80	
	A24	5,382,120	1/1995	Parsons	408	16	
	A25	5,190,548	3/1993	Davis	606	80	
	A26	5,180,388	1/1993	DiCarlo	623	16	
	A27	5,078,552	1/1992	Albel	408	1 R	
	A28	5,051,092	9/1991	Miller	433	225	
	A29	5,051,043	9/1991	Spitznagel	408	72 R	
	A30	4,998,881	3/1991	Lauks	433	173	
	A31	4,978,261	12/1990	Wright, III	409	218	
	A32	4,877,359	10/1989	Kolacek	409	218	
	A33	4,710,075	12/1987	Davison	408	202	
	A34	4,693,656	9/1987	Guthrie	411	433	
	A35	4,637,539	1/1987	Turcott et al.	227	156	
	A36	4,552,370	11/1985	Baumgartner	279	1 S	

	A37	4,549,538	10/29/1985	Schadrack, III et al.			
	A38	4,521,145	6/1985	Bieler	409	218	
	A39	4,521,144	6/1985	Ginter	409	218	
	A40	4,341,206	7/27/1982	Perrett et al.			
	A41	4,142,517	3/1979	Stavropoulos et al.	128	2B	
	A42	4,039,266	8/1977	O'Connell	408	202	
	A43	3,855,705	12/1974	Malmin	32	40 R	
	A44	3,576,076	4/1971	Weissman	32	48	
	A45	3,301,101	1/1967	McEwen	77	55	
	A46	2,344,143	3/1944	Harding	7	1	
	A47	412,952	10/1889	Elterich	-	-	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	DE 38 00 482	7/20/89	Germany				
	B02							

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	C01	International Search Report for PCT Application Ser. No. PCT/US03/36619
	C02	W. Lorenz Surgical, Selected Articles & Instrumentation, No Date.
	C03	Stryker Leibinger, Delta System Resorbable Implant Technology, No Date.

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	